

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UL LLC,)
)
Plaintiff,)
)
vs.) No. 24 CV 5631
)
JOSHUA CALLINGTON,) Chicago, Illinois
) September 17, 2024
Defendant.) 9:13 a.m.

TRANSCRIPT OF PROCEEDINGS - TELEPHONIC STATUS HEARING

BEFORE THE HONORABLE ANDREA R. WOOD

APPEARANCES:

For the Plaintiff: LITTLER MENDELSON, P.C.
BY: MR. RICHARD T. KIENZLER
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1 (Proceedings heard via telephone:)

2 THE CLERK: Calling the next case, 24 CV 5631, UL,
3 LLC versus Callington, for status.

09:13:06

4 MR. KIENZLER: Good morning, Your Honor. This is
5 Richard Kienzler for plaintiff. I'm joined on the line by my
6 colleague Kevin Griffith.

7 MR. CALLINGTON: And this is Joshua Callington, the
8 pro se defendant.

9 THE COURT: Thank you.

09:13:25

10 Okay. So, Mr. Callington, you have asked for a
11 pretty substantial amount of time to find an attorney before
12 you have to answer the case. Your answer was actually due on
13 September 9th. You have asked for an extension until
14 approximately December 5th.

09:13:57

15 Are you looking for an attorney?

16 MR. CALLINGTON: I'm actively very diligently looking
17 for an attorney, yeah.

09:14:17

18 THE COURT: And plaintiff's counsel indicated that
19 there was somebody in the past that they spoke with on your
20 behalf. In fact, they believed that they had an agreement for
21 a waiver of service.

22 Did you have an attorney representing you in the
23 past?

09:14:34

24 MR. CALLINGTON: In the initial stages of this, not
25 related to the current filing, yes.

1 THE COURT: But those attorneys have, for whatever
2 reason, indicated that they will not be representing you going
3 forward?

4 MR. CALLINGTON: That's correct.

09:14:49

5 THE COURT: And how did you come up with the 90-day
6 time period that you're asking for? Why do you think that's a
7 reasonable amount of time for you to find an attorney to
8 represent you in this matter?

09:15:07

9 MR. CALLINGTON: Given the amount of time that I've
10 invested already in attempting to find counsel, it seems
11 commensurate with the responses that I've received.

09:15:39

12 THE COURT: Okay. On the plaintiff's side of things,
13 Mr. Kienzler, I'll start with you. From your response to
14 defendant's motion, it doesn't seem that you really object to
15 the 90-day extension. You're more concerned about a document
16 preservation order and other steps being taken to prevent any
17 prejudice to your client during that period.

18 Is that a fair understanding of your position?

19 MR. KIENZLER: Judge, I would agree with that.

09:15:58

20 I guess what we've proposed in our response to the
21 motion is it is, in general, we encourage Mr. Callington to
22 find representation.

09:16:19

23 As we mentioned, we spoke with a lawyer. That lawyer
24 signed a waiver of service at the outset of the case. And I
25 have no reason to dispute that, you know, the lawyer's no

1 longer representing him, and I don't know the circumstances.

2 So we're hopeful that he finds representation in the case.

3 I guess our position is that we would prefer to have
4 some more frequent communication from Mr. Callington to the
09:16:40 5 Court in terms of providing status updates on the search for
6 counsel. I think 90 days without any updates on the progress
7 is a long time to just sort of sit around and wait for the
8 case to start, but, again, we would prefer that he finds
9 counsel and hope that he does.

09:17:05 10 Alongside that, given the allegations in the case,
11 given he's no longer represented, we are interested in getting
12 a document preservation order on file in the case, as we put
13 in our response to the motion.

14 THE COURT: And you've submitted a proposed order
09:17:25 15 along those lines?

16 MR. KIENZLER: That's correct, Your Honor.

17 THE COURT: Your proposed order identifies the
18 information that would be subject to the document preservation
19 order as being all the information that belongs to UL or UL's
09:17:51 20 customers that is in his possession. Do you feel that that
21 sufficiently describes the information that you're seeking to
22 protect?

23 MR. KIENZLER: In the context of this case, I do,
24 Your Honor.

09:18:10 25 Mr. Callington -- this will become part of the case,

1 but Mr. Callington was subject to an investigation that was
2 conducted on behalf of UL by Sidley Austin, the law firm here
3 in Chicago. It was handled by Chicago representatives of the
4 office. There was significant -- I guess it's not formal
09:18:33 5 discovery, but there were significant document requests.

6 Mr. Callington was represented by a lawyer during
7 that investigation, and the information that we're seeking to
8 preserve and ultimately get returned to us and remediated from
9 Mr. Callington's possession as part of this case was a part of
09:18:56 10 that investigation.

11 THE COURT: Okay. And is it your concern that
12 Mr. Callington is using that information for his own financial
13 benefit?

14 MR. KIENZLER: We have two concerns. We are
09:19:17 15 concerned that we would like a court order to prevent further
16 use of the information for his own benefit or the benefit of
17 other third parties, and we'd also like the preservation order
18 to prevent any deletion or destruction of relevant evidence.

19 As we've put in the complaint, as part of that --
09:19:41 20 during that investigation, we believe that despite
21 instructions to preserve evidence, Mr. Callington engaged in
22 deletion of evidence as part of that Sidley investigation that
23 admittedly predated my involvement in this matter.

24 THE COURT: Mr. Callington, do you understand what
09:20:09 25 evidence Mr. Kienzler is referring to?

1 MR. CALLINGTON: Do you advise that I respond to the
2 question without counsel?

3 THE COURT: Well, one, I can't advise you one way or
4 the other, Mr. Callington; but the situation that you are in
09:20:37 5 is that the time for you to respond to the complaint has
6 actually expired.

7 In a civil case, a defendant does not have a right to
8 counsel. As what we call a natural person, meaning a human
9 being as opposed to a corporation, you are able to represent
09:21:03 10 yourself. So, under these circumstances, you are in a
11 position of potentially being defaulted because you've missed
12 your deadline.

13 Now, you've asked for more time, and I'll probably
14 grant you more time; but at this stage, there is no basis, if
09:21:31 15 you are appearing in front of me pro se, to not answer the
16 question without counsel unless you are invoking Fifth
17 Amendment rights that you think answering the question would
18 somehow implicate you in a crime in which case you can assert
19 your Fifth Amendment rights, but it doesn't stop the
09:21:52 20 proceeding.

21 MR. CALLINGTON: Okay.

22 THE COURT: The question that's in front of me -- let
23 me try to be more clear about why I'm asking.

24 The plaintiff here is asking me to enter an order
09:22:09 25 that would prevent you from using or destroying any

1 information that you obtained from UL or their customers. I'm
2 trying to decide whether I should enter that order.

3 They are concerned that you may destroy evidence in
4 this case. I don't know if that's a realistic concern or if
09:22:41 5 they're overreaching so I'm asking you some questions so that
6 I can decide whether or not to enter this order.

7 MR. CALLINGTON: What I would prefer that you do is
8 honor the second motion that I filed after their motion in
9 response to my request for additional time to honor their
09:23:04 10 request for the preservation of evidence but not the request
11 for the sharing of information.

12 And I can elaborate on that, if you'd like, but I
13 would prefer to have an attorney do the elaboration. But if
14 you do intend to make a decision today, then I would like to
09:23:23 15 be heard.

16 THE COURT: Okay. So when you say your motion, so
17 this is your opposition that was filed -- I think it's Docket
18 Number 6. And you asked that I not make a ruling on
19 plaintiff's request for a nonuse/nondisclosure order until you
09:23:49 20 have secured counsel, but I take it that you have no objection
21 to a document preservation order?

22 MR. CALLINGTON: No, I don't.

23 THE COURT: Does that mean that you --

24 MR. CALLINGTON: The previous --

09:24:11 25 THE COURT: Go ahead.

1 MR. CALLINGTON: Maybe I shouldn't elaborate. Go
2 ahead.

3 THE COURT: Well, I was going to ask because do you
4 intend to use some of the information that they claim is their
5 information?

09:24:36

6 MR. CALLINGTON: For the purposes of responding or
7 participating in government complaints regarding that
8 information, it may be necessary, yes.

9 THE COURT: I see. You're saying that you may have
10 an obligation to share the information?

09:24:50

11 MR. CALLINGTON: As part of those investigations,
12 yes.

13 THE COURT: Are you planning to use the information
14 for personal benefit, meaning for your own business or
15 financial interests?

09:25:14

16 MR. CALLINGTON: No.

17 THE COURT: Okay. Mr. Kienzler, it sounds like
18 Mr. Callington believes that he may receive a request or
19 perhaps he already has received a request to share the
20 information that's the subject of your request with a
21 government agency of some sort.

09:25:42

22 Were you aware of that concern?

23 MR. KIENZLER: No, Your Honor.

24 If I may, Your Honor, on behalf of the plaintiff, we
25 recognize that both the Defend Trade Secrets Act and the

09:26:09

1 Illinois Trade Secrets Act have statutory carveouts that
2 envision sharing of alleged trade secret information under
3 very narrow circumstances and that those circumstances include
4 the situation Mr. Callington just described. So we
5 acknowledge that, as we have to.

6 I would just say we're not aware of any attempt or
7 actual use of our information or the information of our
8 customers by Mr. Callington that would fit the criteria of
9 those narrow circumstances to date in this case.

10 THE COURT: So I'm thinking back to your complaint in
11 this case. As I understand it, you have alleged that
12 Mr. Callington obtained confidential and trade secret
13 information during a time period when he was working for your
14 client as an independent contractor and/or as an employee; is
15 that correct?

16 MR. KIENZLER: Correct, Your Honor.

17 THE COURT: And, among other things, you believe that
18 Mr. Callington shared that information with a media outlet or
19 used that information as the basis for communication with a
20 media outlet; is that correct?

21 MR. KIENZLER: Correct.

22 THE COURT: And do you also believe that he used that
23 information for his own sort of business purposes? In other
24 words, did he take the information in order to start a
25 competing business or to undermine your client's business?

09:29:06 1 MR. KIENZLER: Well, we certainly believe that the
2 taking of the information was done as part of an effort to
3 undermine our business; but in terms of plans to use our
4 information in a competitive nature, I'm unaware of evidence
5 right now that would support that sort of interest for
6 Mr. Callington.

09:29:29 7 I guess what I mean to say, Judge, is we're not aware
8 of Mr. Callington taking and disclosing our information to
9 date in a way that would fit the definition that is allowed
10 under the DTSA or the Illinois equivalent; but part of what
11 we're hoping to do is to move this case into discovery so that
12 we can understand more of what Mr. Callington -- what his
13 intentions were and are.

09:29:57 14 He's referenced on this call this morning plans to
15 use the information, and I'm unaware of what those plans will
16 be or are.

17 THE COURT: Well, I think he has referenced the
18 possibility of being asked to share information in connection
19 with a government investigation of some sort.

09:30:23 20 Are you concerned -- with respect to the
21 nondisclosure portion of what you are asking for -- so I'm
22 going to look back here at the proposed order that you
23 submitted along with your response to Mr. Callington's request
24 for an extension of time to answer the complaint.

09:30:54 25 You asked for an order that would prevent

1 Mr. Callington or any third parties acting in concert with
2 Mr. Callington from using and/or disclosing any documents or
3 information alleged to belong to UL and/or UL's customers that
4 is in their possession. I'm trying to figure out what that
5 would keep Mr. Callington from doing and whether that's a
6 reasonable order to enter.

09:31:21

7 I'm not sure what you're afraid of him doing with the
8 information. You don't want him to use it or disclose it.
9 Are you concerned about him sharing that information with
10 additional media outlets?

09:31:43

11 MR. KIENZLER: Yes, Your Honor.

12 THE COURT: Okay. But you're not concerned about him
13 using that information to start his own business in some way?

14 Obviously, your client doesn't want him to do that,
15 but your main focus is you want it to be clear that he's not
16 to share this information with either the media source that he
17 shared it with previously or any additional media source,
18 correct?

09:32:02

19 MR. KIENZLER: That is the concern, Your Honor, yes.

09:32:22

20 THE COURT: To the extent --

21 MR. GRIFFITH: If I could just ask --

22 THE COURT: I'm sorry. Who is speaking?

23 MR. GRIFFITH: I'm sorry. This is Kevin Griffith --

24 THE COURT: Thank you.

09:32:31

25 MR. GRIFFITH: -- for UL.

1 Also not to share it just over the internet so on
2 Facebook or some type of site like that, something that --
3 Mr. Callington has a GoFundMe page to try to attract
4 contributions to his legal defense, and we don't want him
09:32:51 5 sharing this kind of confidential information on a site like
6 that.

7 THE COURT: To the extent Mr. Callington does receive
8 a request from any sort of law enforcement or investigative
9 agency that might call for the disclosure of information, are
09:33:27 10 you suggesting that I enter an order that would prevent him
11 from doing so?

12 MR. KIENZLER: No, Your Honor. So the answer is no.
13 We would not expect this Court to enter an order that
14 prohibits Mr. Callington from participating in a government
09:33:54 15 investigation.

16 We would expect, to the extent that happens -- and
17 again, we aren't aware of any such request that's been made of
18 Mr. Callington -- we would expect that any such disclosure of
19 information that's relevant to this case that's in his
09:34:11 20 possession would be disclosed to a government agency
21 consistent with the statutory provisions under the Defend
22 Trade Secrets Act and the Illinois Trade Secrets Act which, to
23 my knowledge, require efforts to maintain confidentiality.

24 THE COURT: And the subject of this nondisclosure
09:34:38 25 order, again, if I were to look at your complaint, is there a

1 paragraph that describes in any degree of detail exactly what
2 that information is that he's not allowed to disclose
3 publicly?

09:35:16

4 MR. KIENZLER: Your Honor, I'm flipping through the
5 complaint right now.

6 THE COURT: We'll take a moment.

7 (Brief pause.)

8 THE COURT: So I see, for example, on --

09:35:41

9 MR. KIENZLER: Paragraph 79. I'm sorry, Judge. I
10 didn't mean to interrupt you.

11 THE COURT: I was going to mention paragraph 50 which
12 talks about emails that I see here. Okay, paragraph 79.
13 Okay.

09:35:59

14 Is there any other paragraph of the complaint that
15 refers to it?

16 MR. KIENZLER: Ninety-four is similar to 79,
17 Your Honor. It's essentially the same paragraph made in our
18 state equivalent cause of action.

19 THE COURT: Okay.

09:36:33

20 MR. KIENZLER: Fifty, 51, and 52 reference findings
21 made in the investigation. And then 50, Defendant transferred
22 more than 20,000 emails and attachments through by blind -- by
23 bcc'ing them to himself. 51, Defendant copied more than
24 56,000 UL files to a personal Dropbox account. 52, Defendant
25 took photos and kept them on his personal phone with an iCloud

09:37:01

1 account.

2 THE COURT: Thank you.

3 MR. KIENZLER: Fifty-six, Defendant was asked to
4 return his company laptop. Despite repeated requests,
09:37:24 5 defendant delayed the return of the device for two weeks and
6 in those two weeks deleted several categories of information
7 before returning it, including a personal Dropbox folder
8 containing documents he provided to the media outlet.

9 THE COURT: Okay. Thank you. I'm satisfied.

09:37:45 10 What I'm going to suggest is that to the extent I do
11 grant some form of protective order here that might limit the
12 ability of Mr. Callington to share publicly or otherwise the
13 information that is the subject of the complaint, I will
14 likely ask you to submit a revised proposed order that
09:38:19 15 describes in greater specificity what that information is.
16 And you may reference the paragraphs of the complaint that
17 describe the subject matter.

18 MR. KIENZLER: Very good, Your Honor. And I take
19 your point. I appreciate it.

09:38:36 20 THE COURT: I would also ask that the revised order
21 include a carveout that would enable Mr. Callington to provide
22 information to a government agency consistent with the
23 carveouts to the Trade Secret Act that may be applicable
24 there. To the extent that is Mr. Callington's concern, that's
09:39:13 25 appropriate.

1 There is also the possibility that he might be
2 subpoenaed for information in which case the order could
3 provide for him to notify the Court of any such subpoena so
4 that objections can be heard and resolved.

09:39:46

5 MR. CALLINGTON: May I make an additional comment
6 before any ruling is made?

09:40:03

7 THE COURT: Yes, Mr. Callington. I was going to hear
8 from you further so I'm going to give you a chance to respond
9 to all of this. Let me again provide you with a little bit of
10 explanation as to why I'm asking these questions and making
11 these requests.

09:40:34

12 An additional 90 days beyond the -- I guess it was a
13 60-day request that was made earlier, it's a little unclear to
14 me, frankly, whether there was a waiver of service that was, I
15 guess, agreed to. I see one on the docket. That appears to
16 be what established the September 9th date, that a counsel
17 that was representing Mr. Callington at the time agreed to
18 this waiver of service. It looks like it's signed by
19 Mr. Leonard. I'm familiar with Mr. Leonard. So that
20 established the September 9th date. So that's already an
21 extension beyond the 21 days that someone normally has to
22 respond to a complaint.

09:40:58

09:41:21

23 So, Mr. Callington, by asking for an additional
24 90 days after that, that's a very long extension. It strikes
25 me as reasonable in a case such as this for the plaintiff to

1 ask for some sort of interim relief to make sure that the
2 subject matter of the case is not continuing to be disclosed
3 if you're going to have, you know, basically 120 days longer
4 than normal to file an answer.

09:41:53

5 So I suppose a question I would put to you,
6 Mr. Callington, is: Given that you're asking for so much time
7 before you would answer the complaint, is there any reason
8 that what plaintiffs are asking for is unreasonable?

09:42:12

9 MR. CALLINGTON: My only interest in the information
10 is to protect myself as a bona fide whistleblower. I don't
11 have any intention to use it for any commercial or business
12 purpose. And it seems as though what I'm hearing them ask for
13 in addition to that preservation of evidence is a gag order.
14 And I have no objection against preserving the evidence, but
15 anything beyond that I believe it would be unwise to rule on
16 until after I have had the ability for counsel to make a
17 response on my behalf.

09:42:31

18 THE COURT: Why do you think it is a gag order? And
19 what do you mean by "gag order"? How are you using that term?

09:42:50

20 MR. CALLINGTON: That they're limiting my ability to
21 participate, for example, in that government investigation by
22 sharing relevant information of their wrongdoing.

09:43:12

23 THE COURT: So I think what Mr. Wagener -- or not
24 Mr. Wagener -- sorry -- I'm back on my prior case --
25 Mr. Kienzler and Mr. Griffith were agreeing is that they would

1 revise the order so that it has a carveout that would make it
2 clear that the order doesn't keep from you speaking with law
3 enforcement.

09:43:34

4 I think their concern is whether you would post the
5 information online in some way or use the information to go to
6 a media outlet. They are agreeing that it wouldn't be
7 appropriate to keep you from sharing it in response to a law
8 enforcement request.

09:44:05

9 Does that alleviate your concerns?

10 MR. CALLINGTON: Again, without --

11 THE COURT: Let me ask --

12 MR. CALLINGTON: I believe that --

13 THE COURT: Mr. Callington, I understand, and I
14 always encourage anybody who's being sued to find counsel.

09:44:18

15 MR. CALLINGTON: I want to say --

16 THE COURT: The difficulty here, Mr. Callington, is
17 it is well within the plaintiff's right to come to court and
18 to say, "We're concerned about this now." They could file a
19 temporary restraining order. They could file a request for a
20 preliminary injunction. You know, there could be a court
21 hearing. And there is no legal requirement for you to have an
22 attorney help you with these things.

09:44:34

23 The concern here is that you've asked for 90 days.
24 Somebody might look at that and say, "Oh, he wants 90 days so
25 that he can continue to distribute confidential information

09:44:58

1 before he has to answer to anything in court."

2 Ninety days is much longer than somebody would
3 normally have to respond to a complaint so it is a reasonable
4 request for them to say, "We're not going to oppose 90 days,
09:45:21 5 but we would like an order that protects the confidential
6 information."

7 If you want to argue "This information isn't
8 confidential" or "I should be able to share it," we can do
9 that, but you might have to have a court hearing a lot sooner
09:45:36 10 than 90 days.

11 MR. CALLINGTON: I'd like to make those documents but
12 through the voice of counsel. But for the current request,
13 could we postpone for two weeks and allow me to continue to
14 seek counsel and then circle back to this request at that time
09:45:56 15 if the 90 days is the concern that I'm having unfettered
16 ability to share this externally?

17 THE COURT: Are you or do you want the ability to
18 share the information during that two-week period?

19 MR. CALLINGTON: With law enforcement. That is a
09:46:20 20 possibility, yeah.

21 THE COURT: Okay. With anybody other than law
22 enforcement?

23 MR. CALLINGTON: No.

24 THE COURT: Okay. And so, Mr. Callington, I don't
09:46:53 25 think I have a pro se appearance on file for you.

1 You did file a motion, and it looks like you did that
2 through the online portal; is that correct?

3 MR. CALLINGTON: Yes, that's correct, Your Honor.

09:47:17

4 THE COURT: So, one, I'm going to direct you to file
5 a pro se appearance form because, again, we're past your
6 answer date.

09:47:40

7 It doesn't seem like you want to be defaulted.
8 Instead, you want to have an extension of time, but I do need
9 an appearance from you so that your rights are protected in
10 that respect that you have appeared, you've asked for more
11 time to find counsel.

12 You have an email address that's been provided. I'm
13 going to assume that's a good email address.

09:47:58

14 You've been receiving -- well, let me ask this. Have
15 you received copies of the orders in this case and the filings
16 in this case by email?

17 MR. CALLINGTON: Yes, I have.

18 THE COURT: Have they been coming from the court, or
19 have you received them from plaintiff's counsel?

09:48:12

20 MR. CALLINGTON: Both.

09:48:35

21 THE COURT: I'm looking because I don't see a pro se
22 appearance form so I'm not sure how you would be getting them
23 by email from the court, but I am going to direct that you
24 file a pro se appearance form to make sure that we have that
25 nailed down.

1 MR. CALLINGTON: Okay.

2 THE COURT: Second, based on what I've heard, I am
3 inclined to grant a short-term order that would require both
4 the preservation of any information as well as a nondisclosure
09:49:05 5 requirement with a carveout that clearly gives Mr. Callington
6 the ability to respond to requests for information from
7 federal, state, or other law enforcement organizations made
8 pursuant to applicable law.

9 So I'm going to ask plaintiff's counsel to revise
09:49:34 10 their proposed order to include that information and to send
11 your revised order first to Mr. Callington by email to see if
12 there is any request for an edit or modification that he would
13 like to make.

14 And then the parties should submit an order along
09:50:07 15 those lines to my proposed order email box with a copy also to
16 Laritza Arcos, my courtroom deputy, directly. And I'd like
17 that to be submitted within 48 hours. So that will be by --
18 we'll say by 5:00 p.m. on Thursday.

19 I do intend to grant such a request so I am going to
09:50:37 20 enter a preservation and nondisclosure order that includes a
21 carveout for requests for information from law enforcement.

22 This is going to be a temporary order until
23 Mr. Callington is able to find counsel to advise him on how to
24 proceed.

09:51:06 25 So what I'm going to do is rather than giving

1 Mr. Callington a blanket 90 days to answer and then not
2 talking to the parties again for 90 days, I'm going to have a
3 status date in 30 days. We'll have another telephone call in
4 30 days.

09:51:28

5 And, Mr. Callington, at that time, you can let me
6 know whether you've had any success in finding an attorney.
7 Ultimately, if it takes you 30, 60 days to find an attorney,
8 that's going to be fine. If we do get to 90 days, I will
9 entertain a request from plaintiff's counsel that you not be

09:51:55

10 given any additional time. In fact, they can make that
11 request sooner than 90 days, but I want to let you know that I
12 would think 90 days would be the outside limit.

09:52:21

13 So I will entertain a request from plaintiff's
14 counsel that no further time be given when we get to the
15 30-day mark or the 60-day mark or sometime up to that, but I'm
16 going to give you an opportunity to make a good faith effort
17 to find counsel before you have to respond to the complaint.

09:52:45

18 In the meantime, this document preservation and
19 nondisclosure order will be in place which I think provides
20 some protection for the plaintiff that in the meantime, you're
21 not going to use the extension as a way to avoid any sort of
22 restriction on your ability to share the information.

09:53:07

23 And, Mr. Callington, if something happens and you
24 feel you need to be able to share the information for some
25 other purpose, then you can make a request to have the order

1 modified.

2 So we'll set another 30-day status for a telephone
3 hearing.

4 Laritza, can you suggest a date and time?

09:53:29

5 THE CLERK: Yes, Judge. We can do October 23rd at
6 9:15.

7 THE COURT: Does that work for plaintiff's counsel?

8 MR. KIENZLER: Yes, Your Honor.

9 THE COURT: Does that work for you, Mr. Callington?

09:53:39

10 MR. CALLINGTON: Yes, Your Honor.

11 THE COURT: Okay. And so that will be the next time
12 we have a status hearing. In the meantime, in the next
13 48 hours, plaintiff's counsel will draft a revised order.

14 That will be a proposed document preservation and

09:54:02

15 nondisclosure order consistent with what we've discussed on
16 the record. They will send their proposed order to
17 Mr. Callington. He will promptly indicate whether he has any
18 requested revisions. And then plaintiff's counsel, with
19 Mr. Callington's email copied, will send the revised proposed
20 order to my proposed order email box with a copy to Ms. Arcos.

09:54:28

21 In the meantime, Mr. Callington, do not post publicly
22 on any social media or other internet source or provide to
23 anybody other than in a response from a law enforcement agency
24 any of the covered information. In other words, don't use
25 this 48-hour period as a time frame to go out and distribute

09:55:00

1 things that you know you're not going to be able to distribute
2 once the order is entered. I would consider that bad faith.
3 I would consider that potentially contempt of court. I don't
4 want you to do that.

09:55:24

5 We'll get the order entered. And then,
6 Mr. Callington, I advise you to move as quickly as possible to
7 find counsel to represent you, and we'll go from there.

09:55:44

8 Hopefully, there will be a counsel in the case on your behalf
9 in time for the next status hearing. If not, you can let me
10 know how things stand.

11 Are there any questions, Mr. Callington?

12 MR. CALLINGTON: No. Thank you.

13 THE COURT: Any issue from plaintiff's counsel?

09:56:00

14 MR. KIENZLER: No, Your Honor. We appreciate your
15 time this morning.

09:56:22

16 THE COURT: Okay. And then the last thing I'll say,
17 Mr. Callington, is that this interim confidentiality order,
18 which is really what it is, is a way of maintaining the status
19 quo to allow you the additional time that you want in order to
20 have an attorney. This is not a decision on my part that the
21 plaintiffs are right or you're wrong or vice versa. This is
22 just a way of maintaining the status quo to give you time.

09:56:45

23 If there is something that you need to do over the
24 next few weeks that you feel you should be able to do but you
25 can't do because of the protective order or this interim

1 order, you can file a motion and ask for permission to do
2 whatever it is, or if you have an attorney, your attorney can
3 do that.

09:57:04

4 So this isn't a ruling on the merits that I think the
5 plaintiff has a good case. I have no opinion on any of that.
6 I just am trying to find a reasonable compromise here that
7 gives you the opportunity to find an attorney before you have
8 to respond to the substance of their complaint.

9 Okay? Do you understand all of that?

09:57:25

10 MR. CALLINGTON: I understand that. And just to
11 underscore it, the word "interim" refers to the fact that once
12 I have counsel, this can be rediscussed and redecided at that
13 time?

14 THE COURT: Absolutely.

09:57:43

15 MR. CALLINGTON: Perfect.

16 THE COURT: And frankly --

17 MR. CALLINGTON: Thank you very much.

18 THE COURT: -- Mr. Callington, if you wanted to raise
19 the issue before then, you could do that as well; but I
20 understand your primary concern is that you want to talk about
21 this with a lawyer instead of making all these decisions on
22 your own. I understand that. I think that's a reasonable
23 desire, but I do also have to balance that with the fact that
24 the plaintiffs are entitled to ask for relief on a faster
25 basis than that.

09:58:14

1 MR. CALLINGTON: Understood.

2 THE COURT: Okay. Thank you all for your time.

3 MR. KIENZLER: Thank you, Your Honor.

4 MR. CALLINGTON: Good day.

5 (Proceedings adjourned at 9:58 a.m.)

6 * * * * *

7 C E R T I F I C A T E

8

9 I, Brenda S. Varney, certify that the foregoing is a
10 complete, true, and accurate transcript from the record of
11 proceedings on September 17, 2024, before the HONORABLE
12 ANDREA R. WOOD in the above-entitled matter.

13

14

15 /s/Brenda S. Varney, CSR, RMR, CRR

November 22, 2024

16 Official Court Reporter
17 United States District Court
18 Northern District of Illinois
19 Eastern Division

Date

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